

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Giselle Jacobs, Hartford

File No. 2018-048

FINDINGS AND CONCLUSIONS

The Complainant, Giselle Jacobs, brings this Complaint pursuant to Connecticut General Statutes § 9-7b, alleging that the Respondents, the Hartford Registrars of Voters, provided her with the wrong petition pages and also failed to retain and/or count petition pages and/or petition page backup pages. The following are the Commission's Finding and Conclusions.

1. At all times relevant hereto Respondent Giselle Feliciano was the Democratic Registrar of Voters for the City of Hartford.
2. At all times relevant hereto Respondent Sheila Hall was the Republican Registrar of Voters for the City of Hartford.
3. At all times relevant hereto Complainant Giselle Jacobs was a candidate for State Representative in District 7.
4. Connecticut State Representative District 7 is within the City of Hartford.
5. Prior to June 4, 2018, Complainant Jacobs obtained petitions from the Respondents as part of an effort to obtain ballot status for the November 6, 2018 general election.
6. On June 4, 2018, Complainant Jacobs again requested petition pages from the Respondents as part of her campaign for State Representative.
7. On June 4, 2018, Respondent Hall provided Complainant Jacobs with the petition pages required to obtain ballot status for the November 6, 2018 general election.
8. Subsequently, on June 4, 2018, Respondent Hall advised Respondent Feliciano of Complainant Jacobs request.

9. Respondent Feliciano then informed Respondent Hall that Complainant Jacobs was also in the process of submitting petitions for ballot status for the August 14, 2018 democratic primary for State Representative in District 7.
10. The petition forms needed to secure ballot access for a general election are different from those required to obtain ballot access for a primary.
11. Later on June 4, 2018, Respondent Feliciano called Complainant Jacobs to explain the difference between the primary petition pages and advised her of what she was provided and advised her to return to the Registrars' office to obtain the primary petition pages she needed to obtain primary ballot access.
12. Complainant Jacobs did, in fact, return to the Registrars' office and was provided with the primary petition pages required in order to obtain primary ballot access.
13. On June 12, 2018, Complainant Jacobs returned to the Registrar's office and turned in 24 petition pages concerning her primary ballot status.
14. Prior to June 12, 2018, Complainant Jacobs had turned in six petition pages concerning her general election status.
15. On June 19, 2018, Respondent Feliciano contacted Complainant Jacobs and informed her that she was 61 signatures short of the 281 required to obtain ballot access for the August 14, 2018 primary.
16. Later on June 19, 2018, Complainant Jacobs returned to the Registrar's office and requested the "back up" documents concerning her petitions.
17. On June 19, 2018, Complainant Jacobs was provided with 18 petition "back up" pages.
18. Complainant Jacobs alleges that 12 signature pages were "missing".
19. Complainant Jacobs further alleges that that 99 signatures that she had submitted for general election ballot status should have been counted as primary petition signatures.
20. Complainant Jacobs further alleges that some petition signatures were rejected in error.
21. On or about July 2, 2018, Complainant Jacobs file a civil action in Connecticut Superior Court making substantially the same allegations that were contained with the instant

complaint. *Jacobs v. Registrar of Voters*, Complaint, HHD-CV18-5054544-S (Conn. Super. July 2, 2018).

22. On August 2, 2018, the Honorable Thomas Moukawasher dismissed Respondent's civil complaint.

23. Specifically, the Court held that:

The one place in which the number of signatures would make a difference is if the 99 signatures that were submitted for the November ballot could be counted for [the] primary. But my study of the law reveals that that is not permissible. The statutes that govern these, which are General Statutes Section 9-404(b) and for – for the primary . . . 9-456a for the petitions make it very clear that the petition signatures must be on the form subscribe and provided for the Secretary of State either for a primary or . . . to petition onto the November ballot. And therefore you cannot count one for another. And there's a reason for that in public policy, I am sure, in the sense that a person signing a petition needs to know what they're supporting a person for.

Jacobs v. Registrar of Voters, Decision Transcript at 3-4, HHD-CV18-5054544-S (Conn. Super. Aug. 2, 2018).

24. While the Court's analysis of these issues is thorough and compelling, the standards and charge of the Commission concerning these issues differs substantially from those of the Court. Therefore, Commission staff has conducted an independent investigation of each allegation raised by Complainant Jacobs.

25. First, the Commission finds no evidence that any petition pages submitted were lost by the Respondents. Each petition page has been identified and accounted for.

26. The petition "back up" pages that the Respondent requested are documents used by the Registrars to make notes while reviewing signatures. It was these back up pages, not the petition pages themselves that were not made immediately available to the Respondent, though they were ultimately discovered.

27. Accordingly, the Commission concludes that no violation occurred concerning the alleged loss of petition pages, but encourages the Respondents to keep more ordered records concerning petition page counting.

28. The Commission also concludes, as did the Court in *Jacobs*, that the Respondents were correct when they declined to count general election petition pages as primary petition pages.
29. The final allegation for the Commission to address is that the Respondents rejected certain petition pages in error.
30. General Statutes § 9-404c requires that, once a candidate for office submits primary petitions to a Registrar, such registrar:

shall forthwith certify on each such page the number of signers of the page who were enrolled on the last-completed enrollment list of such party in the municipality or political subdivision, as the case may be, and shall forthwith file such certified page in person or by mail, as described in section 9-140b, with the Secretary within seven days after receipt of the page.

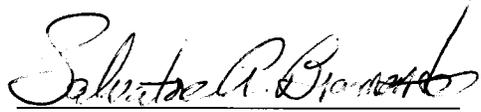
31. While the Respondent did not specifically allege what signatures were improperly rejected, Court filings in the *Jacobs* case suggest that Complainant Jacobs believes some signatures were improperly rejected as illegible when they were in fact legible, and some signatures were rejected as not party enrolled, when they should have been enrolled.
32. It is within the jurisdiction of the Commission to investigate alleged violations of General Statutes § 9-404c. General Statutes § 9-7b (a).
33. After a review of the petitions in question and other relevant documentation by Commission Staff, the Commission finds insufficient evidence to support the finding of a violation of General Statutes § 9-404c by the Respondents.

ORDER

The following Order is recommended on the basis of the aforementioned findings:

That the Complaint be dismissed.

Adopted this 19th day of December, 2018 at Hartford, Connecticut.



~~Anthony J. Castagno, Chairperson~~
By Order of the Commission
Salvatore Bramante, CO Chair